**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Aula Sujith S/o Prabhakar, Nellore District, against the proceedings No. Rc.C5(M) 1498/2006, dated 22.03.2008 of the District Collector, SPSR Nellore, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes)- Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed – Orders -Issued.

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**SOCIAL WELFARE (TW.CV.2) DEPARTMENT**

G.O.Ms.No.22 Dated: 08.02.2019
Read the following:

1. Proceedings of the Dist. Collector, Nellore, No.RC.C5(M)/1498/2006, dt.22.03.2008
2. Appeal Petition dt. 10-04-2008 filed by Sri Avula Sujith, S/o Prabhakar, B.Tech Student, Kapparalla Tippa, Bogolu (M), Nellore District, before the then M(TW&RIAD), C.No.438/M(TW&RIAD)/2008, dated 17.04.2008.
3. Govt. Memo No. 3105/CV.2/2008, dated: 22.04.2018.
4. From the Dist. Collector, Nellore, Lr.Rc.No.C5 (M) 1498/2006, dated:04.01.2009.
5. Govt., Memo No.3105/CV.2/2008, dated 02.09.2009, 28.04.2012 & 19..05.2018.

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**ORDER:**

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders cancelling ST-Yerukula caste certificate obtained from the then Mandal Revenue Officer, Bogolu in the year 2006 by Sri Aula Sujith S/o Prabhakar.

2. In the reference 2nd read above, Sri Aula Sujith S/o Prabhakar, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and stay rejected by the Government and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Aula Sujith S/o Prabhakar.

4. The said Appeal Petition has been posted for hearing on 19.09.2009, 10.05.2012 & finally on 19.05.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ the counsel for the appellant were attended for the final hearing scheduled on 19.05.2018 & argued the case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore, dated 22.03.2008, the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the respondent ought to have seen that there is no basis for cancellation of Yerukula caste certificate and the surname Avula is the common surname among Yerukula and the surname Yerukula is very much prevalent in the said community, also the MRO, recommended to consider the caste of the appellant. Further he has stated that the respondent ought to have seen that there is no dispute with regard to the caste of the father of the appellant and the caste of the father of the appellant and the caste of the ancestors, remains intact, there is no basis to doubt the genuineness of the caste of the appellant and all relatives of the appellant were belong to ST-Yerukula community and produced the documents of the relatives of the appellant, which were pertains to the year 1956. Finally he has stated that the respondent did not adduce any oral and documentary evidence without giving any opportunity to the appellant to cross examine and rebut, principles of natural justice are violated.

**[P.T.O]**

II. The District Level Scrutiny Committee has observed that the MRO, Bogole has issued Yerukula ST caste certificate without proper enquiry into the caste of the individual. It is proved beyond doubt that the individual tried to grab benefits earmarked for the welfare of ST by getting false entries made in the School Register. Based on the DLSC findings, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority has observed that during the course of arguments, the appellant submitted his arguments have stated that his father belongs to Yerukala caste and brought up in the community as such he is also same community and in the school certificates of him clearly shows that he is Yerukala as such on that score alone he is able to prove his caste is ST-Yerukala. On verification of the arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the Tahsildar, Bogole reported that on verification of School records of some persons it was revealed that the caste of them noted as Yerukala and finally recommended to consider the caste of the appellant it as Yerukala and further it is noticed that the family tree and blood relatives of the appellant treating as Yerukala and further the surname Avula was noted under Uppu Yerukala caste in History of Railway Thieves, 1904. That taking into consideration of the same it confirming that the caste of the appellant is Yerukula as such he comes under ST Category. That taking consideration of the above and the material available on the record that it can he concluded that the lower authority failed to observe the finding of the concerned above.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), hereby allowed the Appeal Petition filed by Sri Aula Sujith S/o Prabhakar, by upholding his Scheduled Tribe(Yerukula) community claim and ST-Yerukula caste certificate issued by the then Mandal Revenue Officer, Bogolu and the Proceedings of the District Collector, SPSR Nellore issued in the reference 1st read above are set- aside.

7. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

8. The records (containing Rc.C5(M) 1498/2006, pages 1-184 cf) received from the District Collector, SPSR Nellore through the reference 4th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**R. P. SISODIA**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector, SPSR Nellore.
(with original records) (BY RPAD)

Sri Avula Sujith, S/o Prabhakar,
B.Tech Student, R/o Kapparalla Tippa,
Bogolu (M), Nellore District .

Smt. A. Balabarathi, Advocate,
Plot.No.33, Kamalanagar,
Vanasthalipuram, Hyderabad.

**Copy to:**

The Director, TCR& TI, AP, Amaravati.
The PS to M(TWE&HFW).
The PS to Principal Secretary(TW).

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**